

FIRST AMENDMENT TO THE CDBG AGREEMENT BETWEEN THE CITY OF DURAHM AND MCCORMACK BARON SALAZAR DEVELOPMENT, INC.

This contract amendment ("Amendment") is dated and entered into as of the _____ day of _____, 20____, between McCormack Baron Salazar Development Inc. ("Developer") and City of Durham ("Grantee").

The City and the Developer entered into a contract titled "CDBG Agreement between the City of Durham and McCormack Baron Salazar Development, inc." dated June 21, 2012. That contract is referred to as the "Original Contract." The original contract is hereby amended as follows:

1. In Section 2, "Payment Under the Agreement", the maximum sum of payment shall increase from \$6,000,392.00 to \$6,300,392.00.
2. In "Attachment A" Scope of Work, the number of days for completion will be revised to read 365 days versus the 210 days in the contract.
3. Except as amended, the Agreement is reaffirmed and remains in full force and effect.

ATTEST:

CITY OF DURHAM

By: _____

Clerk

City Manager

ATTEST:

By: _____

Kevin McCormack
President,
MBS Development Corporation

Secretary

(Affix corporate seal.)

NORTH CAROLINA
COUNTY of DURHAM

I, a Notary Public in and for the aforesaid County and State certify that _____
_____ personally appeared before me this day, and acknowledged that he
or she is the City Clerk of the City of Durham, a municipal corporation, and that by authority duly
given and as the act of the City, the foregoing contract with MBS Development Corporation. was
signed in its corporate name by its _____ City Manager, sealed with its corporate seal,
and attested by its said City Clerk or Deputy City Clerk. This the _____ day of
_____, 20_____

Notary Public

My commission expires:

STATE OF MISSOURI
COUNTY OF ST. LOUIS

ACKNOWLEDGMENT BY CORPORATION

I, a notary public in and for the aforesaid county and state, certify that Kevin McCormack
personally appeared before me this day and stated that he or she is President of MBS
Development Corporation, a corporation, and that by authority duly given and as the act of the
corporation, the foregoing contract or agreement with the City of Durham was signed in its name
by its President, whose name is Kevin McCormack, sealed with its corporate seal, and attested by
him/herself as its said Secretary or Assistant Secretary. This the _____ day of
_____, 20_____.

Notary Public

My commission expires:

This instrument has been preaudited in the manner required by the Local Government Budget and
Fiscal Control Act.

City's Finance Officer

Date